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Federal Communications Commission
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FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

SUNSHINE PERIOD

In the Matter of

Accelerating Wireless Broadband Deployment by)	WT Docket No. 17-79
Removing Barriers to Infrastructure Investment)	
)	
Revising the Historic Preservation Review Process)	WT Docket No. 15-180
for Wireless Facility Deployments)	

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COMMENTS OF:

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April 17, 2017

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The Wampanoag Tribe of Gay Head (Aquinnah) located on Noepe (Martha's Vineyard) has lived here since time immemorial. Our ancestral homelands are located in eastern Massachusetts; we are culturally connected to Algonquin Peoples and our cultural and historical interests are determined by this association. The Tribe works with a variety of federal agencies on small and large projects in the compliance of federal laws, including but not limited to the National Historic Preservation Act (NHPA), Native American Graves Protection and Repatriation Act (NAGPRA), AIFRA, ARPA, NEPA and any others. It is the mission of the Tribal Historic Preservation Office to protect irreplaceable sites and locations that are of religious and cultural significance to our People by continuing the successful collaborative processes that have been established with federal agencies, other Indian tribes, and project developers.

The Federal Communications Commission's Tower Construction Notification System (TCNS) system has proven to be a very useful tool to track, monitor, and expedite the placement of cellular technology infrastructure. Over the past 10 years, we have worked with and developed quality relationships with the many consultants installing telecommunication infrastructure facilities, including cell tower siting, through the TCNS Program. Our tribe provides prompt response to cell tower notifications and when any situations arise using the TCNS Program, we have been able to promptly contact industry consultants provide resolution. With the emerging 5G technology by the wireless telecommunications industry we can see the benefits of modernizing the existing TCNS system to meet the needs of our tribal community.

While the Tribe understand the need for smooth deployment of the wireless communication system, we are deeply concerned that there are proposed policy changes contained in the Draft Notice of Proposed Rulemaking (DNPRM). For our Tribe, these changes will harm the functional tribal review process that we have used to protect and preserve our cultural and historical resources. The current TCNS process provides each Tribal Nation involved with the wireless technology to assess proposed sites directly to the wireless industry and the FCC's obligation to the Tribe is fulfilled. Should there be an issue that cannot be resolved on the proponent's level, the FCC can enter into the consultation.

An example of the above concerned a ceremonial stone landscape. The Tribe was aware of the sensitivity of the area and requested a site visit. Once we stated our concerns to the industry consultant, he informed the landowner. The landowner was determined to have the tower sited as in the proposed plan. The Section 106 road map was followed, and the FCC became involved in their federal capacity. There were some hard discussions, but ultimately the property was saved (through collaboration with one of the participating tribes and a local land conservancy) and through the review and research of the process, a larger ceremonial landscape was realized. Without the TCNS system in place, a very significant part of our heritage would have been destroyed.

In a couple of other cell tower cases, it has been as simple as a site visit to a proposed location and having the tower moved to a different spot within the boundary of the site or another location in order to avoid cultural features.

Every federally recognized tribe has its own government and ways of maintaining the preservation of their culture for their people. Therefore, the wireless industry should not expect that every tribal nation will have the same outlook or priorities of another tribe, even if the tribes may share the same area. Therefore, our Tribe's response may not be the same as our neighboring tribe and that aspect is important to understand when consulting with multiple tribes.

Not only is there consultation with multiple Tribes, the areas of concern or interest may be far from their present location for some tribes. The Native American Indian history is vast, and there are many oral histories that relate to the movement of the Peoples. The role of the tribe in the TCNS process is to protect all tribal sites, which may be places of worship, a certain ceremonial plant is gathered there, part of a larger stone ceremonial landscape or burial site. These

are places of memory and special meaning that a tribe must preserve and protect. When we consult we do not place a hierarchy on our cultural places, but we do strive to consult with the wireless industry to find an outcome that satisfies all parties.

The Tribal Nation's unique expertise that is required in the consultation process to properly evaluate a TCNS project should be compensated. The industry standard has been the payment is borne by the wireless companies. If all other consultants are paid a fee for their work, the Tribe maintains that the work undertaken for these projects should be justly compensated as the Tribe is fulfilling a consulting role.

Communication is essential to successful consultation. The WTCH(A) hopes that there will be further opportunities to meet with the FCC and the wireless industry to find possible solutions to wireless deployment.

Thank you for your consideration of these comments.

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